REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21, 22, 25-31, 34-41, and 46-52 are currently pending. Claims 23, 24, 32, 33, and 42-45 have been canceled without prejudice; Claims 21, 22, 25-31, 34-41, and 46-48 have been amended; and Claims 49-52 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 39-41 and 47 were objected to as containing informalities; Claims 21-38, 41-46, and 48 were rejected under 35 U.S.C. § 112, second paragraph, regarding various limitations; and Claims 21-48 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,486,790 to Selinfreund et al. (hereinafter "the '790 patent").

Applicants respectfully submit that the objections to Claims 39-41 and 47 are rendered moot by the present amendment to those claims. The claims have been amended to address the informalities set forth in the outstanding Office Action. Accordingly, the objections are believed to have been overcome.

Applicants respectfully submit that the rejections of the claims under 35 U.S.C. § 112, second paragraph, are rendered moot by the present amendment to those claims. In particular, Applicants note that Claims 21 and 30 have been amended to clarify that the disturbed data access is of reduced quality, and occurs in the copy mode, which does not take consideration of the navigation data. Further, Applicants note that the concept of "disturbed data access" is clearly set forth in the specification, e.g., on page 14. Further, Applicants note that the claims have been amended to no longer recite "and/or" language. Accordingly, Applicants respectfully submit that the rejections are rendered moot.

Amended Claim 21 is directed to

> [a] storage medium having stored thereon data representing at least one stream of content cells, the content cells being linked in accordance with navigation data, wherein at least one of said navigation data and the at least one stream of content cells is arranged such that accessing the data on the storage medium in a copy mode, which does not take consideration of said navigation data, provides disturbed data access of reduced quality, whereas accessing the data on the storage medium in a reproduction mode in consideration of said navigation data provides undisturbed access,
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> the storage medium having further stored thereon at least one reproduction obstructing cell physically stored before or after a linked content cell, said at least one reproduction obstructing cell being arranged such that access in said reproduction mode includes navigating around said at least one reproduction obstructing cell when linked content cells are accessed, whereas access in said copy mode includes accessing linked content cells in addition to said at least one reproduction obstructing cell.

The changes to Claim 21 are supported by the originally filed specification and do not add new matter.[1]

The '790 patent is directed to a method for controlling access to a storage medium, wherein light sensitive material is adapted to change state and affect reading of the storage medium, so as to control access to data that is stored on the storage medium. In particular, the '790 patent discloses that a light-sensitive material is characterized by displaying at least two different optical states to an optical reader, the first optical state occurring prior to exposure to an activating radiation, and the second optical state occurring after exposure to the activating radiation. Thus, the '790 patent discloses that the light-sensitive material can be used to determine whether a CD, for example, is authentic, by scanning the CD for light-emitting regions, exposing the CD to light to cause a change in the state, followed by a subsequent scan for the light-emitting regions.

[1] See, e.g., original Claims 23 and 24.

Further, the '790 patent discloses that the light-sensitive material may have a persistence, e.g., a time period in which the light-sensitive material remains in an altered state before changing to another state. Further, the '790 patent discloses that if the light-sensitive materials are chosen so that their presence cannot be detected during a single read using oversampling, e.g., delay time is greater than the total read time including oversampling, the reader may be directed to reread the same area of the medium a short time after the initial read, and the light sensitive material may have changed state.[2]

However, Applicants respectfully submit that the '790 patent fails to disclose that the storage medium includes at least one reproduction obstructing cell physically stored before or after a linked content cell, the at least one reproduction obstructing cell being arranged such that access in the reproduction mode includes navigating around the at least one reproduction obstructing cell when linked content cells are accessed, whereas access in the copy mode includes accessing linked content cells in addition to the at least one reproduction obstructing cell, as recited in amended Claim 21.

In particular, Applicants note that the '790 patent fails to disclose that access in the reproduction mode includes navigating around the at least one reproduction obstructing cell when linked content cells are accessed, as recited in Claim 21. Rather, the '790 patent discloses that there are delay times imposed by the light sensitive materials, and that the reader of the medium will wait at the same position until the delay time is passed, and then continue reading at the same position. The '790 patent is silent regarding "navigating around" a reproduction obstructing cell when linked content cells are accessed, as required by amended Claim 21. Applicants respectfully submit that the passages recited in columns 5, 8, 9, and 10 on page 6 of the outstanding Office Action are completely silent regarding

[2] See the '790 patent, column 9, lines 6-12.

navigating around a reproduction obstructing cell when linked content cells are accessed, as required by Claim 21.

Further, Applicants note that page 5 of the outstanding Office Action states that "[t]he claimed 'navigation data' is broadly interpreted by the Examiner to pertain to the 'tracks' and 'sectors' within Selinfreund." While the Examiner is entitled to adopt the broadest reasonable interpretation of a term recited in the claims, Applicants note that the interpretation must be consistent with the interpretation that one of ordinary skill in the art would adopt in consideration of Applicants' specification. In the present case, Applicants respectfully submit that the Examiner's interpretation of "navigation data" is completely inconsistent with Applicants' specification and with the interpretation that one of ordinary skill in the art would adopt. In particular, Applicants note that "navigation data" is a commonly used term in the CD and DVD arts, and that the term "navigation data" is repeatedly and consistently used in the specification in a manner consistent with the common usage of that term in the art. Thus, Applicants respectfully submit that the Examiner's interpretation of a navigation data to somehow broadly pertain to tracks or sectors on a disc is overbroad and inconsistent with what one of ordinary skill in the art would adopt, contrary to the requirements of MPEP § 2111.

Accordingly, Applicants respectfully submit that the rejection of Claim 21 (and all associated dependent claims) is rendered moot by the present amendment to Claim 21, and that Claim 21 patentably defines over the '790 patent.

Independent Claim 30 is directed to a method to provide copy protection of a storage medium, and recites limitations analogous to those recited in Claim 21. Moreover, Claim 30 has been amended in a manner analogous to the amendment to Claim 21. Accordingly, for the reasons stated above for the patentability of Claim 21, Applicants respectfully submit that the rejection of Claim 30 is rendered moot by the present amendment to that claim.

Applicants respectfully submit that the rejections of Claims 23, 24, 32, 33, and 42-45 are rendered moot by the present cancellation of those claims.

Amended Claim 39 is directed to:

> [a] method for producing at least one copy of at least a portion of data stored on a first storage medium, the first storage medium having stored thereon data representing at least one stream of content cells, the method comprising:
>
> linking the content cells in accordance with navigation data, wherein to produce the at least one copy, data representing the at least one stream of cells is accessed in consideration of the navigation data and wherein said accessed data is transferred as a copy to a second storage medium.

Applicants respectfully traverse the rejection of Claim 39 as anticipated by the '790 patent. In particular, as discussed above, Applicants respectfully submit that the '790 patent fails to disclose linking content cells in accordance with navigation data, wherein to produce the least one copy, data representing the at least one stream of cells is accessed in consideration of the navigation data, and wherein the accessed data is transferred as a copy to a second storage medium, as recited in Claim 39. In particular, Applicants respectfully submit that the '790 patent does not disclose linking content cells in accordance with navigation data, as required by Claim 39. In this regard, Applicants note that the Office Action on page 8 does not explain how content cells are linked in accordance with navigation data, even if navigation data is broadly interpreted to be a "track", as previously asserted by the Office Action.

Further, Applicants note that the passages in columns 2, 3, and 10 cited by the outstanding Office Action do not disclose any type of navigation data. The passages in columns 2 and 3 merely states that software may be distributed on a medium that includes a light sensitive material, which provides a code allowing the user of the medium to access a portion of the data contained on the medium. Further, Applicants note that the passage in

column 10, lines 45-65 discusses determining whether the medium is authentic, as opposed to an unauthorized copy, by comparing two signals generated during first and second read cycles. However, Applicants note that the passage in column 10 is silent regarding any type of copying to a second storage medium, and is completely silent regarding accessing data representing at least one stream of cells in consideration of navigation data, as required by Claim 39.

Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 39 (and all associated dependent claims) as anticipated by the '790 patent.

Further, Applicants note that Claim 40, which depends from Claim 39, clarifies that the method includes the step of determining all reproduction obstructing cells physically stored before or after a linked content cell and modifying or removing the cells such that the copy of the storage medium is not obstructed. In this regard, Applicants note that the Office Action cites to the exact same passages in columns 2 and 10 as were used to reject Claim 39. As discussed above, not only do these passages not disclose navigation data, they do not disclose reproduction obstructing cells or modifying or removing the cells such that a copy is not obstructed. The passages cited by the outstanding Office Action do not relate to copying, and do not relate to modifying or removing reproduction obstructing cells, as required by Claim 40. Accordingly, for this additional reason, Applicants respectfully submit that Claim 40 patentably defines over the '790 patent.

The present amendment also sets forth new independent Claims 49-52 for examination on the merits. New Claim 49 is supported by original Claims 21 and 43, as well as page 16, lines 9-21 of the original specification. Further, new Claim 50 is supported by original Claims 21 and 44, as well as page 17, line 14 to page 19, line 15 of the specification. Further, Applicants note that new Claims 51 and 52 are method claims corresponding to new Claims 49 and 50, and are supported by the originally filed specification in the same manner

as Claim 49 and 50. Further, for the reasons stated above, Applicants respectfully submit that new Claims 49-52 patentably define over the '790 patent.

Thus, it is respectfully submitted that independent Claims 21, 30, 39, and 49-52 (and all associated dependent claims) patentably define over the '790 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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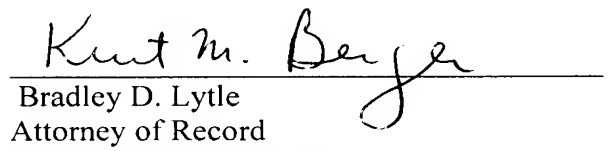

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